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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,224	10/16/2001	Reuben Bahar	133/117	4472

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Averill & Varn
8244 Painter Ave.
Whittier, CA 90602

EXAMINER

BILGRAMI, ASGHAR H

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/978,224

Applicant(s)

BAHAR, REUBEN

Examiner

Asghar Bilgrami

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 0199.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-25 are rejected under 35 U.S.C. 102(e) as being anticipated by Choi (U.S. 6,629,131).

3. As per claims 1, 9 & 17 Choi disclosed a system for confirming proper receipt of e-mail transmitted over a communications network, said system comprising: an e-mail file which is intended by a sending party for electronic transmission to a target e-mail address associated with a target party; a first computer connected to the communications network and from which the sending party may electronically transmit the e-mail file (col.2, lines 60-67); a second computer connected to the communications network and associated with a recipient e-mail address, the second computer having a data storage

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location for storing and receiving the e-mail file thereon upon delivery to the recipient e-mail address (col.2, line 67 & col.3, lines 1-8); first executable software means for detecting a designated access event which is triggered by an accessing party and which is generally associated with e-mail retrieval from the recipient e-mail address; second executable software means for providing notice of the delivered e-mail file to the accessing party(col.3, lines 1-4); third executable software means for discovering recipient data associated with the recipient e-mail address (col.3, lines 4-6); fourth executable software means for generating a confirmation of receipt notice containing the recipient data; and fifth executable software means for electronically transmitting the confirmation of receipt notice from the second computer to a return e-mail address associated with the sending party (col.3, lines 7-11 & figure 3) , wherein the second, third, fourth, and fifth executable software means are configured for automatic execution upon detection of the designated access event by the first executable software means, whereby a comparative examination of the confirmation of receipt notice by the sending party permits the sending party to determine whether the e-mail file was properly delivered (col.3, lines 11-30).

4. As per claims 2, 10 & 18 Choi disclosed the system as in Claim 17, further comprising a pre-recorded recipient data file resident in the second computer and containing the recipient data, and wherein the third executable software means for discovering operates to retrieve the pre-recorded recipient data file from the second computer (col.3, lines 1-9).

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5. As per claims 3, 11 & 19 Choi disclosed the method as in Claim 1, further comprising the steps of: obtaining accessing party identity information from the accessing party as a requisite condition for permitting access to the recipient e-mail address, and recording the accessing party identity information to an accessing party data file for resident storage in the second computer (col.2, lines 60-67), and wherein the discovering step includes retrieving the accessing party data file from the second computer, and the step of comparing the discovered recipient data includes determining whether the accessing party identity information is equivalent to or different from the intended target party, whereby the sending party may determine whether the accessing party triggering the access event was in fact the intended target party (col.3, lines 1-10).

6. As per claims 4, 12 & 20 the method as in Claim 1, further comprising the steps of: obtaining accessing party identity information from the accessing party as a requisite condition for operating a remote user computer, said remote user computer connected to the second computer via the communications network and operable by the accessing party to gain remote access to the recipient e-mail address (col.2, lines 60-67), &: and recording the accessing party identity information to an accessing party data file for resident storage in the remote user computer, and wherein the discovering step includes retrieving the accessing party data file from the remote user computer, and the step of comparing the discovered recipient data includes determining whether the accessing party identity information is equivalent to or different from the intended target party, whereby the sending party may determine whether the accessing party triggering the access event was in fact the intended target party (col.3, lines 1-10).

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7. As per claims 5, 13 & 21 the method as in Claim 1, wherein the discovering step includes electronically tapping a remote connection between the second computer and a remote user computer which is operable by the accessing party to gain remote access to the recipient e-mail address via the communications network, for obtaining remote access information associated with the remote connection between the second computer and the remote user computer (col.3, lines 19-30).

8. As per claims 6, 14, 22 & 24 the method as in Claim 1, further comprising the step of transmitting and delivering to the recipient e-mail address an executable attachment file in conjunction with the e-mail file, the executable attachment file having a first module for discovering the recipient data(col.2, lines 60-67), a second module for generating the confirmation of receipt notice, and a third module for electronically transmitting the confirmation of receipt notice, and upon the detection of the designated access event, automatically executing the first, second, and third modules of the executable attachment file (col.3, lines 1-10).

9. As per claims 7, 15 & 23 the method as in Claim 6, wherein the executable attachment file has fourth and fifth modules transmitted and delivered therewith, the fourth module for detecting the designated access event, and the fifth module for providing notice of the delivered e-mail file to the accessing party, and further comprising the steps of: automatically executing the fourth module upon delivery of the attachment file to the recipient e-mail address, and upon the detection of the designated access event, automatically executing the fifth module of the executable attachment file (col.3, lines 1-10).

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10. As per claims 8, 16 & 25 the method as in Claim 1, further comprising the step of determining, upon delivery of the e-mail file to the recipient e-mail address, whether the delivered e-mail file is of at least one designated file-type requiring a confirmation of receipt notice, and wherein the detecting step occurs upon a determination that the delivered e-mail file is of the at least one designated file-type (col.3, lines 11-30).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Asghar Bilgrami whose telephone number is 571-272-3907. The examiner can normally be reached on M-F, 8:00-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

Asghar Bilgrami
Examiner
Art Unit 2143

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